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## MAIN ABBREVIATIONS

Сокращение	Перевод	Расшифровка
АПК РФ	APC RF	Арбитражный процессуальный кодекс Российской Федерации Arbitration Procedure Code of the Russian Federation
БК РФ	BC RF	Бюджетный кодекс Российской Федерации Budgetary Code of the Russian Federation
ВАС РФ	HAC RF	Высший Арбитражный Суд Российской Федерации Higher Arbitration Court of the Russian Federation
Верховный Суд РФ, ВС РФ	SC RF	Верховный Суд Российской Федерации Supreme Court of the Russian Federation
Государственная Дума	State Duma	Государственная Дума Федерального Собрания State Duma of the Federal Assembly
ГПК РФ	Civil Procedure Code of the Russian Federation	Гражданский процессуальный кодекс Российской Федерации Civil Procedure Code of the Russian Federation
ГК РФ	Civil Code of the Russian Federation	Гражданский кодекс Российской Федерации Civil Code of the Russian Federation
Европейский суд, ЕСПЧ	European Court, ECHR	Европейский суд по правам человека European Court of Human Rights
Закон о содержании под стражей	The Law on the Detention of Suspects and the Accused	Федеральный закон от 15.07.1995 № 103-ФЗ «О содержании под стражей подозреваемых и обвиняемых в совершении преступлений» The Federal Law of 15.07.1995 No. 103-FL 'On the Detention of those Suspected and Accused of Committing Crimes'
Закон об акционерных обществах	The Law on Joint-Stock Companies	Федеральный закон от 26.12.1995 № 208-ФЗ «Об акционерных обществах» The Federal Law of 26.12.1995 No. 208-FL 'On Joint-Stock Companies'
Закон об обществах с ограниченной ответственностью	The Law on Limited Liability Companies	Федеральный закон от 08.02.1998 № 14-ФЗ «Об обществах с ограниченной ответственностью» The Federal Law of 08.02.1998 No. 14-FL 'On Limited Liability Companies'

Закон об оценочной деятельности	The Law on Valuation Activity	Федеральный закон от 29.07.1998 № 135-ФЗ «Об оценочной деятельности в Российской Федерации» The Federal Law of 29.07.1998 No. 135-FL 'On Valuation Activity'
Закон о персональных данных	The Law on Personal Data	Федеральный закон от 27.07.2006 № 152-ФЗ «О персональных данных» The Federal Law of 27.07.2006 No. 152-FL 'On Personal Data'
Закон о государственной судебно-экспертной деятельности, Закон № 73-ФЗ	The Law on State Judicial Expert Activity, Law No. 73-FL	Федеральный закон от 31.05.2001 № 73-ФЗ «О государственной судебно-экспертной деятельности в Российской Федерации» The Federal Law of 31.05.2001 No. 73-FL 'On State Judicial Expert Activity in the Russian Federation'
Закон об исполнительном производстве	The Law on Bankruptcy Proceedings	Федеральный закон от 02.10.2007 № 229-ФЗ «Об исполнительном производстве» The Federal Law of 02.10.2007 No. 229-FL 'On Bankruptcy Proceedings'
Инструкция № 161	Instruction No. 161	Инструкция по судебному делопроизводству в верховных судах республик, краевых и областных судах, судах городов федерального значения, судах автономной области и автономных округов, утвержденная приказом Генерального директора Судебного департамента при Верховном Суде Российской Федерации от 15.12.2004 № 161 Instruction on judicial proceedings in the higher courts of the Republics, the courts of the territories and regions, the courts of cities of federal significance, the courts of the autonomous region and autonomous districts, approved by order of the General Director of the Judicial Department attached to the Supreme Court of the Russian Federation of 15.12.2004 No. 161
информационное письмо Президиума ВАС РФ от 30.05.2005 № 92	memorandum of the Presidium of the HAC RF of 30.05.2005 No. 92	информационное письмо Президиума ВАС РФ от 30.05.2005 № 92 «О рассмотрении арбитражными судами дел об оспаривании оценки имущества, произведенной независимым оценщиком» memorandum of the Presidium of the HAC RF of 30.05.2005 No. 92 'On the examination by the arbitration courts of cases involving the challenging of property valuations conducted by independent assessors'
информационное письмо Президиума ВАС РФ от 10.12.2013 № 162	memorandum of the Presidium of the HAC RF of 10.12.2013 No. 162	информационное письмо Президиума ВАС РФ от 10.12.2013 № 162 «Обзор практики применения арбитражными судами статей 178 и 179 Гражданского кодекса Российской Федерации» memorandum of the Presidium of the HAC RF of 10.12.2013 No. 162 'Review of the practice of the application by the arbitration courts of Articles 178 and 179 of the Civil Code of the Russian Federation'

КАС РФ	APR RF	Кодекс административного судопроизводства Российской Федерации Administrative Procedure Rules of the Russian Federation
Конвенция	The Convention	Конвенция о защите прав человека и основных свобод (заключена в Риме 04.11.1950) The Convention on the Protection of Human Rights and the Fundamental Freedoms (concluded in Rome on 04.11.1950)
Конвенция против пыток	The Convention against Torture	Конвенция против пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания (заключена 10.12.1984) The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (concluded on 10.12.1984)
Конституционный Суд РФ, КС РФ	The Constitutional Court of the RF, CC RF	Конституционный Суд Российской Федерации Constitutional Court of the Russian Federation
НК РФ	TC RF	Налоговый кодекс Российской Федерации Tax Code of the Russian Federation
постановление Пленума Верховного Суда СССР от 31.03.1978 № 4	ruling of the Plenum of the Supreme Court of the USSR of 31.03.1978 No. 4	постановление Пленума Верховного Суда СССР от 31.03.1978 № 4 «О применении законодательства при рассмотрении судами дел об освобождении имущества от ареста (исключении из описи)» ruling of the Plenum of the Supreme Court of the USSR of 31.03.1978 No. 4 'On the application of the legislation when the courts examine cases involving the release of property from seizure orders (removal from the inventory list)'
постановление Пленума Верховного Суда РФ от 20.12.1994 № 10	ruling of the Plenum of the Supreme Court of the RF of 20.12.1994 No. 10	постановление Пленума Верховного Суда РФ от 20.12.1994 № 10 «Некоторые вопросы применения законодательства о компенсации морального вреда» ruling of the Plenum of the Supreme Court of the RF of 20.12.1994 No. 10 'Certain matters associated with the application of the legislation on compensation for psychological harm'
постановление Пленума Верховного Суда РФ от 19.12.2003 № 23	ruling of the Plenum of the Supreme Court of the RF of 19.12.2003 No. 23	постановление Пленума Верховного Суда РФ от 19.12.2003 № 23 «О судебном решении» ruling of the Plenum of the Supreme Court of the RF of 19.12.2003 No. 23 'On court rulings'
постановление Пленума Верховного Суда РФ от 10.02.2009 № 1	ruling of the Plenum of the Supreme Court of the RF of 10.02.2009 No. 1	постановление Пленума Верховного Суда РФ от 10.02.2009 № 1 «О практике рассмотрения судами жалоб в порядке статьи 125 Уголовно-процессуального кодекса Российской Федерации» ruling of the Plenum of the Supreme Court of the RF of 10.02.2009 No. 1 'On the practice of the examination by the courts of complaints under Article 125 of the Criminal Procedure Code of the Russian Federation'

постановление Пленума Верховного Суда РФ от 22.12.2009 № 28	ruling of the Plenum of the Supreme Court of the RF of 22.12.2009 No. 28	постановление Пленума Верховного Суда РФ от 22.12.2009 № 28 «О применении судами норм уголовно-процессуального законодательства, регулирующих подготовку уголовного дела к судебному разбирательству» ruling of the Plenum of the Supreme Court of the RF of 22.12.2009 No. 28 'On the application by the courts of the standards of the criminal procedure legislation, regulating the preparing of a criminal case for judicial proceedings'
постановление Пленума Верховного Суда РФ от 26.01.2010 № 1	ruling of the Plenum of the Supreme Court of the RF of 26.01.2010 No. 1	постановление Пленума Верховного Суда РФ от 26.01.2010 № 1 «О применении судами гражданского законодательства, регулирующего отношения по обязательствам вследствие причинения вреда жизни или здоровью гражданина» ruling of the Plenum of the Supreme Court of the RF of 26.01.2010 No. 1 'On the application by the courts of the civil legislation regulating relationship as regards obligations as a consequence of the causing of harm to the life or health of a citizen'
постановление Пленума Верховного Суда РФ от 29.06.2010 № 17	ruling of the Plenum of the Supreme Court of the RF of 29.06.2010 No. 17	постановление Пленума Верховного Суда РФ от 29.06.2010 № 17 «О практике применения судами норм, регламентирующих участие потерпевшего в уголовном судопроизводстве» ruling of the Plenum of the Supreme Court of the RF of 29.06.2010 No. 17 'On the practice of the application by the courts of the standards regulating the participation of the victim in criminal judicial proceedings'
постановление Пленума Верховного Суда РФ от 29.04.2010 № 10/22	ruling of the Plenum of the Supreme Court of the RF of 29.04.2010 No. 10/22	постановление Пленума Верховного Суда РФ от 29.04.2010 № 10/22 «О некоторых вопросах, возникающих в судебной практике при разрешении споров, связанных с защитой права собственности и других вещных прав» ruling of the Plenum of the Supreme Court of the RF of 29.04.2010 No. 10/22 'On certain matters arising in judicial practice during the investigating of disputes associated with the protection of rights of ownership and other material rights'
постановление Пленума Верховного Суда РФ от 21.12.2010 № 28	ruling of the Plenum of the Supreme Court of the RF of 21.12.2010 No. 28	постановление Пленума Верховного Суда РФ от 21.12.2010 № 28 «О судебной экспертизе по уголовным делам» ruling of the Plenum of the Supreme Court of the RF of 21.12.2010 No. 28 'On judicial expert assessments in criminal cases'
постановление Пленума Верховного Суда РФ от 27.11.2012 № 26	ruling of the Plenum of the Supreme Court of the RF of 27.11.2012 No. 26	постановление Пленума Верховного Суда РФ от 27.11.2012 № 26 «О применении норм Уголовно-процессуального кодекса Российской Федерации, регулирующих производство в суде апелляционной инстанции» ruling of the Plenum of the Supreme Court of the RF of 27.11.2012 No. 26 'On the application of the standards of the Criminal Procedure Code of the Russian Federation, regulating court proceedings in the appellate courts'



<p>постановление Пленума Верховного Суда РФ от 19.12.2013 № 41</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 19.12.2013 No. 41</p>	<p>постановление Пленума Верховного Суда РФ от 19.12.2013 № 41 «О практике применения судами законодательства о мерах пресечения в виде заключения под стражу, домашнего ареста, залога и запрета определенных действий» ruling of the Plenum of the Supreme Court of the RF of 19.12.2013 No. 41 'On the practice of the application by the courts of the legislation on pre-trial restrictions in the form of detention, house arrest, bail and the prohibiting of certain activities'</p>
<p>постановление Пленума Верховного Суда РФ от 23.06.2015 № 25</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 23.06.2015 No. 25</p>	<p>постановление Пленума Верховного Суда РФ от 23.06.2015 № 25 «О применении судами некоторых положений раздела I части первой Гражданского кодекса Российской Федерации» ruling of the Plenum of the Supreme Court of the RF of 23.06.2015 No. 25 'On the application by the courts of certain provisions of section 1 of the first part of the Civil Code of the Russian Federation'</p>
<p>постановление Пленума Верховного Суда РФ от 30.06.2015 № 28</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 30.06.2015 No. 28</p>	<p>постановление Пленума Верховного Суда РФ от 30.06.2015 № 28 «О некоторых вопросах, возникающих при рассмотрении судами дел об оспаривании результатов определения кадастровой стоимости объектов недвижимости» ruling of the Plenum of the Supreme Court of the RF of 30.06.2015 No. 28 'On certain matters arising during the examination by the courts of cases involving the disputing of the results of the determining of the cadastral value of fixed property'</p>
<p>постановление Пленума Верховного Суда РФ от 30.06.2015 № 29</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 30.06.2015 No. 29</p>	<p>постановление Пленума Верховного Суда РФ от 30.06.2015 № 29 «О практике применения судами законодательства, обеспечивающего право на защиту в уголовном судопроизводстве» ruling of the Plenum of the Supreme Court of the RF of 30.06.2015 No. 29 'On the practice of the application by the courts of the legislation protecting the right to a defence in criminal proceedings'</p>
<p>постановление Пленума Верховного Суда РФ от 17.12.2015 № 56</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 17.12.2015 No. 56</p>	<p>постановление Пленума Верховного Суда РФ от 17.12.2015 № 56 «О судебной практике по делам о вымогательстве (статья 163 Уголовного кодекса Российской Федерации)» ruling of the Plenum of the Supreme Court of the RF of 17.12.2015 No. 56 'On judicial practice in cases of extortion (Article 163 of the Criminal Code of the Russian Federation)'</p>

<p>постановление Пленума Верховного Суда РФ от 15.11.2016 № 48</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 15.11.2016 No. 48</p>	<p>постановление Пленума Верховного Суда РФ от 15.11.2016 № 48 «О практике применения судами законодательства, регламентирующего особенности уголовной ответственности за преступления в сфере предпринимательской и иной экономической деятельности» ruling of the Plenum of the Supreme Court of the RF of 15.11.2016 No. 48 ‘On the practice of the application by the courts of the legislation regulating particular aspects of criminal liability for crimes in the field of entrepreneurial and other economic activity’</p>
<p>постановление Пленума Верховного Суда РФ от 29.11.2016 № 55</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 29.11.2016 No. 55</p>	<p>постановление Пленума Верховного Суда РФ от 29.11.2016 № 55 «О судебном приговоре» ruling of the Plenum of the Supreme Court of the RF of 29.11.2016 No. 55 ‘On court sentences’</p>
<p>постановление Пленума Верховного Суда РФ от 30.11.2017 № 48</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 30.11.2017 No. 48</p>	<p>постановление Пленума Верховного Суда РФ от 30.11.2017 № 48 «О судебной практике по делам о мошенничестве, присвоении и растрате» ruling of the Plenum of the Supreme Court of the RF of 30.11.2017 No. 48 ‘On judicial practice in cases of fraud, embezzlement and misappropriation</p>
<p>постановление Пленума Верховного Суда РФ от 19.12.2017 № 51</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 19.12.2017 No. 51</p>	<p>постановление Пленума Верховного Суда РФ от 19.12.2017 № 51 «О практике применения законодательства при рассмотрении уголовных дел в суде первой инстанции (общий порядок судопроизводства)» ruling of the Plenum of the Supreme Court of the RF of 19.12.2017 No. 51 ‘On the practice of the application by the courts of the legislation when examining criminal cases in the court of first instance (general judicial procedure)’</p>
<p>постановление Пленума Верховного Суда РФ от 26.12.2017 № 57</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 26.12.2017 No. 57</p>	<p>постановление Пленума Верховного Суда от 26.12.2017 № 57 «О некоторых вопросах применения законодательства, регулирующего использование документов в электронном виде в деятельности судов общей юрисдикции и арбитражных судов» ruling of the Plenum of the Supreme Court of the RF of 26.12.2017 No. 57 ‘On certain aspects of the application of the legislation regulating the use of documents in electronic form in the activity of courts of general jurisdiction and arbitration courts’</p>
<p>постановление Пленума Верховного Суда РФ от 26.11.2019 № 48</p>	<p>ruling of the Plenum of the Supreme Court of the RF of 26.11.2019 No. 48</p>	<p>постановление Пленума Верховного Суда РФ от 26.11.2019 № 48 «О практике применения судами законодательства об ответственности за налоговые преступления» ruling of the Plenum of the Supreme Court of the RF of 26.11.2019 No. 48 ‘On the practice of the application by the courts of the legislation on liability for tax crimes’</p>

постановление Пленума Верховного Суда РФ от 13.10.2020 № 23, постановление	ruling of the Plenum of the Supreme Court of the RF of 13.10.2020 No. 23	постановление Пленума Верховного Суда РФ от 13.10.2020 № 23 «О практике рассмотрения судами гражданского иска по уголовному делу» ruling of the Plenum of the Supreme Court of the RF of 13.10.2020 No. 23 'On the practice of the examination by the courts of a civil claim relating to a criminal case'
СК РФ	FC RF	Семейный кодекс Российской Федерации The Family Code of the Russian Federation
ТК РФ	LC RF	Трудовой кодекс Российской Федерации The Labour Code of the Russian Federation
УИК РФ	CLEC RF	Уголовно-исполнительный кодекс Российской Федерации The Criminal Law Enforcement Code of the Russian Federation
УК РФ	The Criminal Code of the Russian Federation	Уголовный кодекс Российской Федерации The Criminal Code of the Russian Federation
УПК РФ	The Criminal Procedure Code of the Russian Federation	Уголовно-процессуальный кодекс Российской Федерации The Criminal Procedure Code of the Russian Federation
ФСО	FES	Федеральный стандарт оценки The Federal Evaluation Standard



## THE BRINGING OF A CRIMINAL CASE AS AN INVITATION TO THE REGULATING OF A CIVIL LAW DISPUTE, OR: WELCOME TO HELL (IN LIEU OF A PREFACE)

Topics associated with criminal law and criminal procedure law are increasingly starting to attract the attention of those who are far removed from them – civil law scholars and those engaged in civil trials.

This is because, in accordance with a long-standing trend in Russian law, news about criminal law prevails<sup>1</sup>, while the bringing of criminal cases is, with increasing frequency, becoming a way of resolving corporate and other commercial disputes.

The 2020 Report by the Business Rights Commissioner<sup>2</sup> states that despite the measures taken, including the amendments made to the criminal procedure legislation and the clarifications of the Supreme Court of the RF, business is not protected from the bringing of criminal proceedings that are without merit.

The primary *corpus delicti* used for the bringing of criminal cases in relation to entrepreneurs remains fraud, as a result, *inter alia*, of the moving of civil disputes over to the criminal procedure courts. The Report identifies this as Problem No 1.

The respondents cite conflicts with another entrepreneur, and the personal interests of the staff of law enforcement agencies and other agencies of executive power, as the reason for the bringing of most criminal cases.

I. Kirkora, Chief Counsel of the All-Russia Public Organisation ‘Delovaya Rossiya’, notes that ‘the criminal law pressure on a business in modern conditions is very strong, and 70 % of entrepreneurs’ appeals to the public organisation are related to Article 159 of the Criminal Code of the RF. However, the number of criminal cases filed significantly exceeds the number of criminal cases brought to court, and this indirectly confirms the pressure on entrepreneurs from the Government authorities. And even if a criminal case is not brought to court, its adverse effect for a business may become fatal. Moreover, it is not uncommon for the law enforcement agencies to put pressure on a company’s staff, threatening to bring a criminal case against them as accomplices and members of an ‘organized crime group’<sup>3</sup>.

A. P. Sergeev notes that the practice in the application of the law established in recent years attests to the fact that the law enforcement agencies are increasingly using criminal law mechanisms in the resolving of corporate disputes, and imposing protection rackets on businesses when seizing them as part of raids. In particular, criminal cases are being brought in relation to far-fetched property crimes,

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<sup>1</sup> Иванов А. А. Хроника пикирующего бомбардировщика // Закон. 2019. № 7. С. 82–91.

<sup>2</sup> [http://doklad.ombudsmanbiz.ru/doklad\\_2020.html](http://doklad.ombudsmanbiz.ru/doklad_2020.html).

<sup>3</sup> Кондратьева И. Право каменного века: юристы и чиновники — про уголовное преследование бизнесменов // <https://pravo.ru/story/view/129881>.

business activities are being completely paralyzed by unreasonably wide injunctive remedies, heads of businesses are being dismissed without any legal grounds, etc. At the same time, the investigation and criminal justice bodies, whether they like it or not, are having to turn to the civil law provisions, i. e. to a field about which they usually either have no clue, or have a distorted understanding. Sometimes, in situations where the law enforcement agencies or the court, with or without meaning to, are involved in the resolving of a corporate conflict that has moved over to the realm of criminal law, the civil law provisions in the charge sheet and sentencing are distorted quite deliberately, thus undermining any confidence in the Russian justice system<sup>1</sup>.

According to another study, the issue of involving the pre-trial investigation bodies in the resolving of civil law disputes between businesses remains problematic. In such cases, it is sometimes quite difficult to draw the line between an act of criminal fraud and a breach of contractual relations that does not amount to a crime<sup>2</sup>.

I. S. Shitkina draws attention to the extremely alarming connection between civil cases related to holding the actual controller of property accountable for it, and the bringing of criminal proceedings, noting that given the broader ways of obtaining evidence in a criminal trial, there is a risk that criminal proceedings will be brought against the actual controller for the purpose of ensuring that evidence of their actual control is provided when they are brought to account for the property in corporate disputes<sup>3</sup>.

B. Ya. Gavrilov is of the opinion that the main reason for the bringing of ‘made-to-order’ criminal cases is that individual investigators and heads of the pre-trial investigation bodies are ruled by the intelligence-gathering services, various commercial structures’ representatives, individual officials who often lobby on behalf of someone’s interests, by bringing criminal cases in relation to facts that give rise to civil law relations, and that ought to be resolved on the basis of the arbitration or civil law standards. And in many instances — and this is no secret — the bringing of criminal cases is initiated by representatives of the Government authorities, and heads of the pre-trial investigation bodies, ‘tacitly’ siding with them, and using procedural measures to ensure that their investigation goes in the ‘right’ direction<sup>4</sup>.

Another study states: ‘So-called “made-to-order” criminal cases have now become the talk of the town. They are brought (or dropped) on the “orders” of political, oligarchic, or simply criminal groups. They are used as an independent and, perhaps, the most effective method in dirty pre-election technologies, a method of redistributing property, dividing spheres of influence, sales markets, etc.’<sup>5</sup>

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<sup>1</sup> *Сергеев А. П.* Об ошибочном понимании гражданско-правовых норм в уголовном судопроизводстве // Закон. 2020. № 1. С. 139–148.

<sup>2</sup> *Цоколова О. И.* Меры пресечения: проблемы и тенденции (2019–2022 годы) // Российский следователь. 2020. № 6. С. 26–31.

<sup>3</sup> *Шиткина И. С.* Ответственность фактически контролирующих лиц в корпоративном праве // Закон. 2018. № 7. С. 114–133.

<sup>4</sup> *Гаврилов Б. Я.* Современная уголовная политика России: цифры и факты. М.: Велби, Проспект, 2008.

<sup>5</sup> *Гармаев Ю. П.* Преступления, совершаемые недобросовестными адвокатами в сфере уголовного судопроизводства: комментарий законодательства и правоприменительная практика // СПС КонсультантПлюс. 2002.

Incidentally, the bringing of criminal cases is used as a method of exerting pressure not only on business, but also on persons engaged in social activities.

N. A. Kolokolov notes that in practice, there are cases when the pre-investigation check in relation to the persons specified in part 1 of Article 447 of the Criminal Procedure Code (CPC) of the RF commences on the basis of made-up or even illegal grounds, and this practice, and the making of a submission by the prosecutor pursuant to Article 448 of the CPC is nothing short of the exerting of pressure on a public figure<sup>1</sup>.

According to researchers, there is an obvious increase in the number of so-called ‘made-to-order’ cases (where the customers are both the law enforcement agencies and subjects of entrepreneurial activity), and a huge increase in the number of politically motivated criminal prosecutions<sup>2</sup>.

It is noted that ‘despite the obvious incompetence of the criminal justice system, “made-to-order” cases will easily lead to the result required by the customer. Or, conversely, they will “cover up” any case. [...] The notorious Article 151 of the CPC of the RF enables any security agency to make commercial or political “locking up” orders. If there is no corresponding article in the CPC of the RF, a suitable norm will be found in the Law on the Police. If that law fails, there is another one – the Law on Investigative Activities. But they will take you by surprise, conduct an “inspection of the premises”, seize all the documents, just in case. And then the unit that has identified the “crimes” pulls a rabbit out of the hat known as the Criminal Code (CC). It might be “fraud”, “illegal business operations”, “evasion from paying taxes”. “Negligence” or “abuse” will do for anyone’<sup>3</sup>.

According to N. V. Ivantsova, the legislator routinely fails to keep pace with rapidly changing social relations that need legal regulation. For example, the Federal Law of 19.12.2016 No. 436-FL made amendments to Article 299 of the CC of the RF aimed at protecting, primarily, entrepreneurs, as well as other citizens, from the so-called ‘made-to-order’ criminal cases. ‘The problem was caused not only by cases brought on made-up grounds against specific persons but also by cases brought on the basis of crimes that were allegedly committed. Such cases allowed them to carry out inspections in commercial firms for months, thereby suspending the economic activities of the enterprises, organisations and individual entrepreneurs brought within the orbit of criminal justice. And this was a real cash cow for “bent coppers”, enabling them to fill up their wallets. Unfortunately, it is impossible to accurately estimate how many jobs were lost, economic ties curtailed, and human destinies ruined as a result of such intelligence and investigative activities’<sup>4</sup>.

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<sup>1</sup> Судебное производство в уголовном процессе Российской Федерации: практическое пособие по применению Уголовно-процессуального кодекса Российской Федерации / С. А. Ворожцов, В. А. Давыдов, В. В. Дорошков и др.; под общ. ред. А. И. Карпова. М.: Юрайт, 2008. Автор п. 10 – Колоколов Н. А.

<sup>2</sup> Кондрашев А. А. Проблемы реализации принципа независимости судей в России: от теории к правоприменительной практике // Актуальные проблемы российского права. 2015. № 8. С. 181–187.

<sup>3</sup> Котин В. Куда подует ветер перемен? // ЭЖ-Юрист. 2011. № 20. С. 1, 6.

<sup>4</sup> Иванцова Н. В. От законодательных новелл 2016 г. к новой редакции Уголовного кодекса РФ // Законность. 2017. № 5. С. 44–47.